

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper **36**

Filed by: MARK NAGUMO
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13 December 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN GOODCHILD and PAUL C. ZAMECNIK
(U.S. Application 08/346,270)

(Goodchild)¹.

v.

JACK S. COHEN, LEN NECKERS, CY STEIN, SHEE L. LOKE,
KAZUO SHINOZUKA, GERALD ZON, and MAKOTO MATSUKURA
(U.S. Patent 5,264,423); JACK S. COHEN, LEN NECKERS,
CY STEIN, SHEE L. LOKE, and KAZUO SHINOZUKA
(U.S. Patents 5,276,019 and 5,286,717)

(Cohen)²

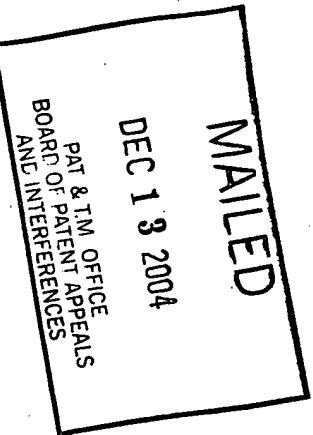
Interference 105,040

REDECLARATION - Bd.R. 203(c)

In view of the Decision - Rehearing - Bd.R. 125 (Paper 124),
it is ORDERED that Interference 105,040 is redeclared as follows
with old Count 1 being replaced by new Count 2:

¹ The real party in interest is the University of Massachusetts, Worcester.

² The real party in interest is the United States of America, as represented by the Department of Health and Human Services.



Junior Party
(Count 2)

Inventors: JOHN GOODCHILD and PAUL C. ZAMECNIK;

Application: 08/346,270, filed November 23, 1994

Accorded Benefit: U.S. Application 07/882,073,
filed May 12, 1992, now abandoned

U.S. Application 07/798,263,
filed November 18, 1991, now abandoned

U.S. Application 07/160,574,
filed February 26, 1988, now abandoned.

Senior Party
(Count 2)

Inventors: JACK S. COHEN, LEN NECKERS, CY STEIN, SHEE L. LOKE,
and KAZUO SHINOZUKA (U.S. Patents 5,276,019)

JACK S. COHEN, LEN NECKERS, CY STEIN, SHEE L. LOKE,
KAZUO SHINOZUKA, GERALD ZON, and MAKOTO MATSUKURA
(U.S. Patent 5,264,423);

JACK S. COHEN, LEN NECKERS, CY STEIN, SHEE L. LOKE,
and KAZUO SHINOZUKA (U.S. Patents 5,286,717)

Patents: 5,276,019, patented January 4, 1994
(U.S. Application 07/159,017, filed February 22, 1988)

5,264,423, patented November 23, 1993
(U.S. Application 07/976,733, filed November 16, 1992)

5,286,717, patented February 15, 1994
(U.S. Application 07/976,777, filed November 16, 1992)

Accorded benefit: U.S. Application 07/030,073, filed March 25,
1987.

Count 2

An oligonucleotide that inhibits the replication or cytopathic effect of a foreign nucleic acid in a host, said oligonucleotide having:

one or more of the non-bridging oxygen atoms in the phosphate portion of the nucleotide replaced by sulfur; and a base sequence complementary to a portion of said foreign nucleic acid.

Claims of the parties corresponding to Count 2

Cohen U.S. 5,276,019 1-43

Cohen U.S. 5,264,423 1-48

Cohen U.S. 5,286,717 1-20

Goodchild U.S. Application 08/346,270:
17-19, 21-25, 27, 44-46, 48-52, 54-56, 58, 61 and 64

Claims of the parties NOT corresponding to Count 2

Cohen U.S. 5,276,019 none

Cohen U.S. 5,264,423 none

Cohen U.S. 5,286,717 none

Goodchild's U.S. Application 08/346,270
none.

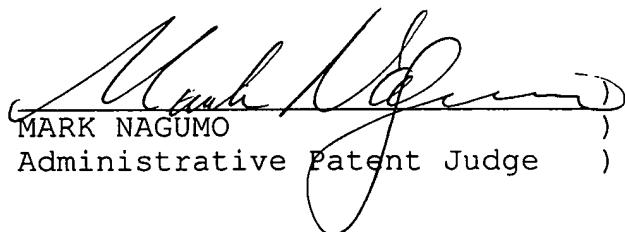
Interference 104,040
Goodchild v. Cohen

Paper 124

FURTHER ORDERED that papers filed in this interference should be restyled as on the face of this order.

FURTHER ORDERED that all times remain in effect.

FURTHER ORDERED that if there is a settlement, the attentions of the parties are directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.



MARK NAGUMO
Administrative Patent Judge

Date: 13 Dec 04
Alexandria, VA

Interference 105,040
Cohen v. Goodchild

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